

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Paul Blackmer

v.

Civil No. 15-cv-250-LM

State of New Hampshire

REPORT AND RECOMMENDATION

Pro se prisoner Paul Blackmer has filed a complaint (doc. no. 1), seeking a declaratory judgment regarding statements made in a state court hearing which occurred in 1997. Blackmer is subject to the three strikes restriction set forth in 28 U.S.C. § 1915(g). See Blackmer v. Merrimack Cty. Super. Ct., No. 12-cv-461-JD, 2013 WL 322209, 2013 U.S. Dist. LEXIS 10965 (D.N.H. Jan. 8, 2013), report and recommendation adopted, No. 12-cv-461-JD, 2013 WL 322201, 2013 U.S. Dist. LEXIS 10969 (D.N.H. Jan. 28, 2013), aff'd, No. 13-1407 (1st Cir. Mar. 7, 2014). This means that unless Blackmer shows that he is exposed to an "imminent danger of serious physical injury," an in forma pauperis application must be denied. 28 U.S.C. § 1915(g). Blackmer has failed to show that he is in imminent danger of such injury.

Accordingly, the district judge should deny the motion for leave to proceed in forma pauperis (doc. no. 3), and order Blackmer to pay the filing fee within thirty days, to avoid

dismissal of this case. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b) (2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).


Andrea K. Johnstone
United States Magistrate Judge

August 19, 2015

cc: Paul Blackmer, pro se